IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15245 of 2005

Between:

1 Kolusu Subbayya, S/o. Krishnayya, R/o. Kulakalapenta

Village, Mylavaram Mandal, Krishna District,
2 Kolusu Ramachandrayya, S/o. Hanumanthu
R/o. Kulakalapenta Village, Mylavaram Mandal,

Krishna District.
3 Kadem Narasayya, S/o. Pullayya, R/o. Kulakalapenta

Village, Mylavaram Mandal, Krishna District.
4 K. Ranga Rao, S/o. Late Madhava Rao
R/o. Kulakalapenta Village, Mylavaram Mandal,

Krishna District.

..... PETITIONERS

AND

-

1 The District Collector, Machilipatnam , Krishna District,
2 The Revenue Divisional Officer, Nuzvid, Krishna District,
3 The Mandal Revenue Officer, Mylavaram, Mylavaram

Mandal, Krishna District,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the connected records from the 1st respondent and issue an appropriate writ, Order or direction preferably a writ in the nature of Mandamus declaring that the assignment of Ac. 22.21 cents in R.S.No.30 situated at Mulakalpenta Village Mylavaram Mandal, Krishna District to the persons of Morsumilli Village as illegal.

Counsel for the Petitioner: MR.K.RANGA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

It is stated that the land to an extent of Acs.21.93 in R.S.No.30 of Mulakalapenta Village, Mylavaram Mandal, Krishna District was recorded as Village Pasture Land in the possession of Kotagiri Venkata Subba Rao and some other

villagers. It is alleged that the said Venkata Subba Rao by managing the revenue officials got rough patta in his name with reference to the said land. When all villagers including the petitioners revolted, he filed O.S.No.219 of 1958 before the District Munsif, Nuzvid for permanent injunction restraining the defendants therein from interfering with his possession and enjoyment of the suit land. The District Munsiff allowed the said suit on 24.6.1960 granting permanent injunction in favour of Venkata Subba Rao. Aggrieved by the same, the petitioners herein filed A.S.No.129 of 1960 before the I Additional Subordinate Judge, Vijayawada. After hearing both sides, the I Additional Subordinate Judge, Vijayawada allowed the appeal by order dated 4.9.1961 and set aside the order passed in O.S.No.219 of 1958 and recorded a finding that the said land is reserved for the purpose of grazing the cattle belonging to all the villagers. Against the order dated 4.9.1961 passed by the I Additional Subordinate Judge, Vijayawada, Venkata Subba Rao filed S.A.No.301 of 1962 before this court and this court by order dated 4.11.1965 dismissed the same, and the order of this court has become final. It is stated that since then the petitioners and the villagers of Mulakalapenta are using the said land for the purpose of grazing their cattle.

It appears that the Chief Minister of Andhra Pradesh gave directions to the officers concerned to identify wastelands, and to make ready for distribution of the same to the landless poor persons. Thereafter, the Mandal Revenue Officer, Mylavaram, the third respondent herein identified the land of Acs.21.93 in R.S.No.30, which is reserved for the purpose of grazing the cattle of Mulakalapenta village, to distribute the same to the landless poor persons of Morsumilli village. The main grievance of the petitioners is that even though they got issued legal notices dated 15.6.2005 to the respondents requesting them not to assign the said land to the persons of another village at the cost of their livelihood, without considering the same, the respondents are trying to assign the land in question to the villagers of Morsumilli.

Heard learned counsel for the petitioners and the learned Government Pleader for revenue.

On a perusal of the affidavit it is evident that the petitioner invoked the jurisdiction of this court under Article 226 of the Constitution of India, on mere apprehension. However, no impugned order as such was passed by the respondents. Hence, I see

no reasons to entertain the writ petition filed on mere apprehension.

Accordingly, the Writ Petition is dismissed at the admission stage.

_____

Elipe Dharma Rao, J.

14th July, 2005

Ka/Js.

To

1 The District Collector, Machilipatnam , Krishna District,
2 The Revenue Divisional Officer, Nuzvid, Krishna District,
3 The Mandal Revenue Officer, Mylavaram, Mylavaram

Mandal, Krishna District,

4 Two CCs to G.P. for Revenue, High Court Buildings,

Hyderabad.

5 2 CD copies.